IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1402 OF 1985

Parsu Maruti Jadhav & Ors. .. Petitioners.
Vs.
Nemgonda Rayagonda & Ors. .. Respondents.

Mr.S.S.Pandit for the petitioners.
Mr.T.S.Ingale for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 11TH OCTOBER, 2004

P.C.:

. Mr.Pandit, learned counsel for the petitioners and Mr.Ingale, learned counsel for the respondents.

2. This writ petition arises out of the proceedings that was initiated by the petitioner-tenant under section 88-D of the Bombay Tenancy and Agricultural Lands Act, 1948 (for short "the Act"). It appears that simultaneously the respondent-landlord after obtaining certificate under section 88-C of the Act had also initiated proceedings under section 33-B. During pendency of the instant writ petition the Maharashtra Revenue Tribunal (for short "MRT") has passed an order in

2001 in favour of the respondent-landlord under section 33-B of the Act. The order of the MRT passed in the proceedings under section 33-B of the Act has attained finality inasmuch as that has not been challenged by the petitioners-tenants. In view thereof Mr.Ingale, learned counsel for the respondent submitted that nothing further survives in the petition. Mr.Pandit, learned counsel for the petitioner could and not did not controvert the statement of Mr.Ingale. Keeping that in view and considering that the order of the MRT, passed in the proceedings under section 33-B has not been challenged by the petitioner-tenant nothing further survives in the instant writ petition. The writ petition, therefore, stands dismissed as infructuous. Rule stands discharged. No orders as to costs. The interim order stands vacated.

(D.B.Bhosale, J.)